

CHAPTER 14—AGRICULTURAL EXPERIMENT STATIONS

SUBCHAPTER I—GENERAL PROVISIONS

- Sec.
361. Repealed.
361a. Congressional declaration of purpose; definitions.
361b. Congressional statement of policy; researches, investigations and experiments.
361c. Authorization of appropriations and allotments of grants.
361d. Use of funds.
361e. Payment of allotments to State agricultural experiment stations; directors and treasurers or other officers; accounting; reports to Secretary; replacement by States of diminished, lost or misapplied allotments; subsequent allotments or payments contingent on such replacement.
361f. Publications of experiment stations; free mailing.
361g. Duties of Secretary; ascertainment of entitlement of State to funds; plans of work.
361h. Relation of college or university to State unaffected; division of appropriations.
361i. Power to amend, repeal, etc., reserved.
362 to 383. Transferred, Repealed, or Omitted.
384. Card index of agricultural literature; copies to be furnished by Secretary.
385. South Carolina Experiment Station; cooperation by Secretary of Agriculture; lump sum appropriation.
385a. Authorization of appropriations.
386 to 386g. Repealed.

SUBCHAPTER II—EXPERIMENT STATIONS FOR PROPAGATION OF TREES, SHRUBS, VINES, AND VEGETABLES

387. Station for semi-arid or dry-land regions; establishment.
387a. Authorization of appropriations.
388. Station for southern Great Plains area; establishment.
388a. Authorization of appropriations.
389. Transfer of certain dry land and irrigation field stations to States.
389a. Conditions of transfer of dry land and irrigation field stations; reservation of mineral rights.

SUBCHAPTER III—RESEARCH FACILITIES

390. Definitions.
390a. Review process.
390b. Repealed.
390c. Applicability of Federal Advisory Committee Act.
390d. Authorization of appropriations.

SUBCHAPTER I—GENERAL PROVISIONS

§ 361. Repealed. Aug. 11, 1955, ch. 790, § 2, 69 Stat. 674

Section, acts Mar. 16, 1906, ch. 951, § 4, 34 Stat. 64; Feb. 24, 1925, ch. 308, § 4, 43 Stat. 971, provided for the administration of the agricultural experiment station program. See section 361g of this title.

EXISTING RIGHTS AND LIABILITIES

Section 2 of act Aug. 11, 1955, which repealed sections 361, 364, 366, 369, 369a, 371 to 376, 380, 382, 383, 386 to 386f, 427a to 427h, and 427j of this title, provided in part that any rights or liabilities existing under such repealed sections or parts of sections should not be affected by their repeal.

§ 361a. Congressional declaration of purpose; definitions

It is the policy of Congress to continue the agricultural research at State agricultural experi-

ment stations which has been encouraged and supported by the Hatch Act of 1887 [7 U.S.C. 361a et seq.], the Adams Act of 1906, the Purnell Act of 1925, the Bankhead-Jones Act of 1935, and title I, section 9, of that Act as added by the Act of August 14, 1946, and Acts amendatory and supplementary thereto, and to promote the efficiency of such research by a codification and simplification of such laws. As used in this Act [7 U.S.C. 361a et seq.], the terms "State" or "States" are defined to include the several States (including the District of Columbia), Puerto Rico, Guam and the Virgin Islands. As used in this Act [7 U.S.C. 361a et seq.], the term "State agricultural experiment station" means a department which shall have been established, under direction of the college or university or agricultural departments of the college or university in each State in accordance with an Act approved July 2, 1862, (12 Stat. 503), entitled "An Act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts" [7 U.S.C. 301 et seq.]; or such other substantially equivalent arrangements as any State shall determine.

(Mar. 2, 1887, ch. 314, § 1, 24 Stat. 440; Aug. 11, 1955, ch. 790, § 1, 69 Stat. 671; Pub. L. 92-318, title V, § 506(k), June 23, 1972, 86 Stat. 351; Pub. L. 93-471, title II, § 208(e), Oct. 26, 1974, 88 Stat. 1429; Pub. L. 105-185, title II, § 203(c)(1), June 23, 1998, 112 Stat. 534.)

REFERENCES IN TEXT

The Hatch Act of 1887, referred to in text, is act Mar. 2, 1887, ch. 314, 24 Stat. 440, as amended, which is classified generally to sections 361a to 361i of this title. For complete classification of this act to the Code, see Short Title note set out below, and Tables.

The Adams Act of 1906, referred to in text, is act Mar. 16, 1906, ch. 951, 34 Stat. 63, as amended, which was classified to sections 361, 366, 369, 371, 373 to 376, 380, and 382 of this title, and was repealed by act Aug. 11, 1955, ch. 790, § 2, 69 Stat. 674. For complete classification of this Act to the Code prior to repeal, see Tables.

The Purnell Act of 1925, referred to in text, is act Feb. 24, 1925, ch. 308, 43 Stat. 970, as amended, which was classified to sections 361, 366, 370, 371, 373 to 376, 380, and 382 of this title, and was repealed by act Aug. 11, 1955, ch. 790, § 2, 69 Stat. 674. For complete classification of this Act to the Code prior to repeal, see Tables.

The Bankhead-Jones Act of 1935, referred to in text, is act June 29, 1935, ch. 338, 49 Stat. 436, as amended, which was classified principally to sections 329 and 427 to 427j of this title, and was repealed by act Aug. 11, 1955, ch. 790, § 2, 69 Stat. 674, except for sections 1, 10, and 22 of the Act, which are classified to sections 427, 427i, and 329 of this title, respectively. For complete classification of this Act to the Code, see Tables.

Title I, section 9, of that Act, referred to in text, was classified to section 427h of this title prior to repeal.

The Act approved July 2, 1862 (12 Stat. 503), referred to in text, is act July 2, 1862, ch. 130, 12 Stat. 503, as amended, popularly known as the "Morrill Act" and also as the "First Morrill Act", which is classified generally to subchapter I of chapter 13 (§ 301 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 301 of this Act and Tables.

CODIFICATION

Section 208 of Pub. L. 93-471, cited as a credit to this section, was renumbered section "209" by D.C. Law 1-36, § 4, Nov. 1, 1975, 22 DCR 2911.

Section was formerly classified to section 362 of this title.

AMENDMENTS

1998—Pub. L. 105-185 struck out “Alaska, Hawaii,” before “Puerto Rico” in second sentence.

1974—Pub. L. 93-471 defined “State” to include the District of Columbia.

1972—Pub. L. 92-318 defined “State” to include Guam and the Virgin Islands.

1955—Act Aug. 11, 1955, amended section generally to continue agricultural research at the agricultural experiment stations, to restate the declaration of purpose, and to insert definitions of “State” and “State agricultural experiment station.” Former provisions which required division of appropriations between colleges of same state are now contained in section 361h of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-471 effective July 1, 1975, unless Pub. L. 93-471 repealed by District of Columbia Council after Jan. 2, 1975, and prior to July 1, 1975; or such amendment by Pub. L. 93-471, as amended by the District Council, also effective July 1, 1975, or some other date prescribed by the Council as authorized under provisions of section 407 of Pub. L. 93-471.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92-318 effective after June 30, 1970, see section 506(n) of Pub. L. 92-318, set out as an Effective Date note under section 326a of this title.

SHORT TITLE

Act Mar. 2, 1887, ch. 314, §10, as added by Pub. L. 105-185, §3(b), June 23, 1998, 112 Stat. 526, provided that: “This Act [enacting sections 361a to 361i of this title] may be cited as the ‘Hatch Act of 1887’.”

ARLINGTON ESTATE

Besides the provisions establishing agricultural experiment stations, contained in act Mar. 2, 1887, a portion of the Arlington estate in the State of Virginia was set apart for experimental agricultural purposes by act April 18, 1900, ch. 243, 31 Stat. 135, and provisions for establishing and maintaining a general experimental farm and agricultural station thereon were made by the subsequent agricultural appropriation acts.

ADMISSION OF ALASKA AND HAWAII TO STATEHOOD

Alaska was admitted into the Union on Jan. 3, 1959, on issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, and Hawaii was admitted into the Union on Aug. 21, 1959, on issuance of Proc. No. 3309, Aug. 21, 1959, 24 F.R. 6868, 73 Stat. c74. For Alaska Statehood Law, see Pub. L. 85-508, July 7, 1958, 72 Stat. 339, set out as a note preceding section 21 of Title 48, Territories and Insular Possessions. For Hawaii Statehood Law, see Pub. L. 86-3, Mar. 18, 1959, 73 Stat. 4, set out as a note preceding section 491 of Title 48.

§ 361b. Congressional statement of policy; researches, investigations and experiments

It is further the policy of the Congress to promote the efficient production, marketing, distribution, and utilization of products of the farm as essential to the health and welfare of our peoples and to promote a sound and prosperous agriculture and rural life as indispensable to the maintenance of maximum employment and national prosperity and security. It is also the intent of Congress to assure agriculture a position in research equal to that of industry, which will aid in maintaining an equitable balance between agriculture and other segments of our economy. It shall be the object and duty of the State agricultural experiment stations through the expenditure of the appropriations

hereinafter authorized to conduct original and other researches, investigations, and experiments bearing directly on and contributing to the establishment and maintenance of a permanent and effective agricultural industry of the United States, including researches basic to the problems of agriculture in its broadest aspects, and such investigations as have for their purpose the development and improvement of the rural home and rural life and the maximum contribution by agriculture to the welfare of the consumer, as may be deemed advisable, having due regard to the varying conditions and needs of the respective States.

(Mar. 2, 1887, ch. 314, §2, 24 Stat. 440; Aug. 11, 1955, ch. 790, §1, 69 Stat. 671.)

CODIFICATION

Section was formerly classified to section 363 of this title.

AMENDMENTS

1955—Act Aug. 11, 1955, amended section generally to restate the policy of Congress.

§ 361c. Authorization of appropriations and allotments of grants**(a) Authorization**

There are authorized to be appropriated for the purposes of sections 361a to 361i of this title such sums as Congress may from time to time determine to be necessary.

(b) Allotments to States; authorization of appropriations for Virgin Islands and Guam; limitation

(1) Out of such sums each State shall be entitled to receive annually a sum of money equal to and subject to the same requirement as to use for marketing research projects as the sums received from Federal appropriations for State agricultural experiment stations for the fiscal year 1955, except that amounts heretofore made available from the fund known as the “Regional research fund, Office of Experiment Stations” shall continue to be available for the support of cooperative regional projects as defined in subsection (c)(3) of this section, and the said fund shall be designated “Regional research fund, State agricultural experiment stations,” and the Secretary of Agriculture shall be entitled to receive annually for the administration of sections 361a to 361i of this title, a sum not less than that available for this purpose for the fiscal year ending June 30, 1955: *Provided*, That if the appropriations hereunder available for distribution in any fiscal year are less than those for the fiscal year 1955 the allotment to each State and the amounts for Federal administration and the regional research fund shall be reduced in proportion to the amount of such reduction.

(2) There is authorized to be appropriated for the fiscal year ending June 30, 1973, and for each fiscal year thereafter, for payment to the Virgin Islands and Guam, \$100,000 each, which sums shall be in addition to the sums appropriated for the several States of the United States and Puerto Rico under the provisions of this section. The amount paid by the Federal Government to the Virgin Islands and Guam pursuant to this

paragraph shall not exceed during any fiscal year, except the fiscal years ending June 30, 1971, and June 30, 1972, when such amount may be used to pay the total cost of providing services pursuant to sections 361a to 361i of this title, the amount available and budgeted for expenditure by the Virgin Islands and Guam for the purposes of such sections.

(c) Allotment of additional sums

Any sums made available by the Congress in addition to those provided for in subsection (b) of this section for State agricultural experiment station work shall be distributed as follows:

(1) Twenty per centum shall be allotted equally to each State;

(2) Not less than 52 per centum of such sums shall be allotted to each State, as follows: One-half in an amount which bears the same ratio to the total amount to be allotted as the rural population of the State bears to the total rural population of all the States as determined by the last preceding decennial census current at the time each such additional sum is first appropriated; and one-half in an amount which bears the same ratio to the total amount to be allotted as the farm population of the State bears to the total farm population of all the States as determined by the last preceding decennial census current at the time such additional sum is first appropriated;

(3) Not less than 25 percent shall be allotted to the States for cooperative research employing multidisciplinary approaches in which a State agricultural experiment station, working with another State agricultural experiment station, the Agricultural Research Service, or a college or university, cooperates to solve problems that concern more than 1 State. The funds available under this paragraph, together with the funds available under subsection (b) of this section for a similar purpose, shall be designated as the "Multistate Research Fund, State Agricultural Experiment Stations".

(4) Three per centum shall be available to the Secretary of Agriculture for administration of sections 361a to 361i of this title. These administrative funds may be used for transportation of scientists who are not officers or employees of the United States to research meetings convened for the purpose of assessing research opportunities or research planning.

(d) Matching funds

(1) Requirement

Except as provided in paragraph (4), no allotment shall be made to a State under subsection (b) or (c) of this section, and no payments from the allotment shall be made to a State, in excess of the amount that the State makes available out of non-Federal funds for agricultural research and for the establishment and maintenance of facilities for the performance of the research.

(2) Failure to provide matching funds

If a State fails to comply with the requirement to provide matching funds for a fiscal year under paragraph (1), the Secretary of Agriculture shall withhold from payment to the State for that fiscal year an amount equal to the difference between—

(A) the amount that would be allotted and paid to the State under subsections (b) and (c) of this section (if the full amount of matching funds were provided by the State); and

(B) the amount of matching funds actually provided by the State.

(3) Reapportionment

(A) In general

The Secretary of Agriculture shall reapportion amounts withheld under paragraph (2) for a fiscal year among the States satisfying the matching requirement for that fiscal year.

(B) Matching requirement

Any reapportionment of funds under this paragraph shall be subject to the matching requirement specified in paragraph (1).

(4) Exception for insular areas

(A) In general

Effective beginning for fiscal year 2003, in lieu of the matching funds requirement of paragraph (1), the insular areas of the Commonwealth of Puerto Rico, Guam, and the Virgin Islands of the United States shall provide matching funds from non-Federal sources in an amount equal to not less than 50 percent of the formula funds distributed by the Secretary to each of the insular areas, respectively, under this section.

(B) Waivers

The Secretary may waive the matching fund requirement of subparagraph (A) for any fiscal year if the Secretary determines that the government of the insular area will be unlikely to meet the matching requirement for the fiscal year.

(e) "Administration" defined

"Administration" as used in this section shall include participation in planning and coordinating cooperative regional research as defined in subsection (c)(3) of this section.

(f) Adjustment of payments

In making payments to States, the Secretary of Agriculture is authorized to adjust any such payment to the nearest dollar.

(g) Reductions and reapportionments

If in any year the amount made available by a State from its own funds (including any revenue-sharing funds) to a State agricultural experiment station is reduced because of an increase in the allotment made available under sections 361a to 361i of this title, the allotment to the State agricultural experiment station from the appropriation in the next succeeding fiscal year shall be reduced in an equivalent amount. The Secretary shall reapportion the amount of such reduction to other States for use by their agricultural experiment stations.

(h) Peer review and plan of work

(1) Peer review

Research carried out under subsection (c)(3) of this section shall be subject to scientific peer review. The review of a project conducted under this paragraph shall be considered to

satisfy the merit review requirements of section 7613(e) of this title.

(2) Plan of work

The State shall include in the plan of work of the State required under section 361g of this title a description of the manner in which the State will meet the requirements of subsection (c)(3) of this section.

(i) Integration of research and extension

(1) In general

Not less than the applicable percentage specified under paragraph (2) of the Federal formula funds that are paid under sections 361a to 361i of this title and subsections (b) and (c) of section 343 of this title to colleges and universities eligible to receive funds under the Act of July 2, 1862 (12 Stat. 503, chapter 130; 7 U.S.C. 301 et seq.), during a fiscal year shall be expended for activities that integrate cooperative research and extension (referred to in this subsection as “integrated activities”).

(2) Applicable percentages

(A) 1997 expenditures on multistate activities

Of the Federal formula funds that were paid to each State for fiscal year 1997 under sections 361a to 361i of this title and subsections (b) and (c) of section 343 of this title, the Secretary of Agriculture shall determine the percentage that the State expended for integrated activities.

(B) Required expenditures on multistate activities

Of the Federal formula funds that are paid to each State for fiscal year 2000 and each subsequent fiscal year under sections 361a to 361i of this title and subsections (b) and (c) of section 343 of this title, the State shall expend for the fiscal year for integrated activities a percentage that is at least equal to the lesser of—

- (i) 25 percent; or
- (ii) twice the percentage for the State determined under subparagraph (A).

(C) Reduction by Secretary

The Secretary of Agriculture may reduce the minimum percentage required to be expended by a State for integrated activities under subparagraph (B) in a case of hardship, infeasibility, or other similar circumstance beyond the control of the State, as determined by the Secretary.

(D) Plan of work

The State shall include in the plan of work of the State required under section 361g of this title or section 344 of this title, as applicable, a description of the manner in which the State will meet the requirements of this paragraph.

(3) Applicability

This subsection does not apply to funds provided—

- (A) by a State or local government pursuant to a matching requirement;
- (B) to a 1994 Institution (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103-382; 7 U.S.C. 301 note)); or

(C) to the Commonwealth of Puerto Rico, the Virgin Islands, or Guam.

(4) Relationship to other requirements

Federal formula funds described in paragraph (1) that are used by a State for a fiscal year for integrated activities in accordance with paragraph (2)(B) may also be used to satisfy the multistate activities requirements of subsection (c)(3) of this section and section 343(h) of this title for the same fiscal year.

(Mar. 2, 1887, ch. 314, § 3, 24 Stat. 441; Aug. 11, 1955, ch. 790, § 1, 69 Stat. 671; Pub. L. 92-318, title V, § 506(l), June 23, 1972, 86 Stat. 351; Pub. L. 95-113, title XIV, § 1466, Sept. 29, 1977, 91 Stat. 1018; Pub. L. 97-98, title XIV, § 1442(a), Dec. 22, 1981, 95 Stat. 1321; Pub. L. 101-624, title XVI, § 1618(a), Nov. 28, 1990, 104 Stat. 3733; Pub. L. 104-127, title VIII, § 869, Apr. 4, 1996, 110 Stat. 1175; Pub. L. 105-185, title I, § 104, title II, §§ 203(a), 204(a), June 23, 1998, 112 Stat. 529, 533, 535; Pub. L. 105-277, div. A, § 101(a) [title VII, § 753(d)], Oct. 21, 1998, 112 Stat. 2681, 2681-33; Pub. L. 107-171, title VII, § 7213(a), May 13, 2002, 116 Stat. 448.)

REFERENCES IN TEXT

Act of July 2, 1862, referred to in subsec. (i)(1), is act July 2, 1862, ch. 130, 12 Stat. 503, as amended, popularly known as the First Morrill Act, which is classified generally to subchapter I (§ 301 et seq.) of chapter 13 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 301 of this title and Tables.

CODIFICATION

Prior to being amended generally by act Aug. 11, 1955, ch. 790, § 1, 69 Stat. 671, section 3 of act Mar. 2, 1887, which comprises this section, consisted of two sentences. The first sentence was classified to former section 368 of this title. The second sentence was superseded by act Feb. 24, 1925, ch. 308, § 3, 43 Stat. 971, which was classified to former section 366 of this title and was repealed by act Aug. 11, 1955, ch. 790, § 2, 69 Stat. 674.

AMENDMENTS

2002—Subsec. (d)(4). Pub. L. 107-171 added par. (4) and struck out heading and text of former par. (4). Text read as follows: “In lieu of the matching funds requirement of paragraph (1), the Commonwealth of Puerto Rico, the Virgin Islands, and Guam shall be subject to the same matching funds requirements as those applicable to an eligible institution under section 3222d of this title.”

1998—Subsec. (b)(1). Pub. L. 105-185, § 104(b)(1), made technical amendment to reference in original act which appears in text as reference to subsection (c)(3) of this section.

Subsec. (c)(1), (2). Pub. L. 105-185, § 104(a)(1)(A), redesignated pars. 1 and 2 as (1) and (2), respectively.

Subsec. (c)(3). Pub. L. 105-185, § 104(a)(1)(B), added par. (3) and struck out former par. (3) which read as follows: “Not more than 25 per centum shall be allotted to the States for cooperative research in which two or more State agricultural experiment stations are cooperating to solve problems that concern the agriculture of more than one State. The funds available for such purposes, together with funds available pursuant to subsection (b) of this section for like purpose shall be designated as the ‘Regional research fund, State agricultural experiment stations.’”

Pub. L. 105-185, § 104(a)(1)(A), redesignated par. 3 as (3).

Subsec. (c)(4), (5). Pub. L. 105-185, § 104(a)(1)(A), redesignated par. 5 as (4).

Subsec. (d). Pub. L. 105-185, § 203(a), added subsec. (d) and struck out former subsec. (d) which read as follows:

“Of any amount in excess of \$90,000 available under sections 361a to 361i of this title for allotment to any State, exclusive of the regional research fund, State agricultural experiment stations, no allotment and no payments thereof shall be made in excess of the amount which the State makes available out of its own funds for research and for the establishment and maintenance of facilities necessary for the prosecution of such research: *And provided further*, That if any State fails to make available for such research purposes for any fiscal year a sum equal to the amount in excess of \$90,000 to which it may be entitled for such year, the remainder of such amount shall be withheld by the Secretary of Agriculture and reapportioned among the States.”

Subsec. (d)(1). Pub. L. 105-277, §101(a) [title VII, §753(d)(1)], substituted “Except as provided in paragraph (4), no” for “No”.

Subsec. (d)(4). Pub. L. 105-277, §101(a) [title VII, §753(d)(2)], added par. (4).

Subsec. (e). Pub. L. 105-185, §104(b)(2), substituted “subsection (c)(3)” for “subsection (c)3”.

Subsec. (h). Pub. L. 105-185, §104(a)(2), added subsec. (h).

Subsec. (i). Pub. L. 105-185, §204(a), added subsec. (i). 1996—Subsec. (c)(3). Pub. L. 104-127 struck out “, and shall be used only for such cooperative regional projects as are recommended by a committee of nine persons elected by and representing the directors of the State agricultural experiment stations, and approved by the Secretary of Agriculture. The necessary travel expenses of the committee of nine persons in performance of their duties may be paid from the fund established by this paragraph” before semicolon at end.

1990—Subsec. (d). Pub. L. 101-624 inserted before period at end “and reapportioned among the States”.

1981—Subsec. (g). Pub. L. 97-98 added subsec. (g).

1977—Subsec. (c)(4). Pub. L. 95-113, §1466(a), struck out par. (4) which provided that not less than 20 per centum of any sums appropriated pursuant to subsec. (c) for distribution to States be used for conducting marketing research projects approved by the Department of Agriculture.

Subsec. (c)(5). Pub. L. 95-113, §1466(b), inserted provision authorizing the use of administrative funds for the transportation of scientists who are not officers or employees of the United States to research meetings convened for the purpose of assessing research opportunities or research planning.

1972—Subsec. (b). Pub. L. 92-318 designated existing provisions as par. (1) and added par. (2).

1955—Act Aug. 11, 1955, amended section generally to authorize appropriations and to provide for allotment of grants. For provisions which related to advice and assistance by the Secretary of Agriculture, see section 361g of this title.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-277 effective June 23, 1998, see section 101(a) [title VII, §753(f)] of Pub. L. 105-277, set out as a note under section 343 of this title.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as an Effective Date note under section 4301 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-113 effective Oct. 1, 1977, see section 1901 of Pub. L. 95-113, set out as a note under section 1307 of this title.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92-318 effective after June 30, 1970, see section 506(n) of Pub. L. 92-318, set out as an Effective Date note under section 326a of this title.

§ 361d. Use of funds

Moneys appropriated pursuant to sections 361a to 361i of this title shall also be available, in ad-

dition to meeting expenses for research and investigations conducted under authority of section 361b of this title, for printing and disseminating the results of such research, retirement of employees subject to the provisions of section 331 of this title, administrative planning and direction, and for the purchase and rental of land and the construction, acquisition, alteration, or repair of buildings necessary for conducting research. The State agricultural experiment stations are authorized to plan and conduct any research authorized under section 361b of this title in cooperation with each other and such other agencies and individuals as may contribute to the solution of the agricultural problems involved, and moneys appropriated pursuant to sections 361a to 361i of this title shall be available for paying the necessary expenses of planning, coordinating, and conducting such cooperative research.

(Mar. 2, 1887, ch. 314, §4, 24 Stat. 441; Aug. 11, 1955, ch. 790, §1, 69 Stat. 672.)

CODIFICATION

Section was formerly classified to section 365 of this title.

AMENDMENTS

1955—Act Aug. 11, 1955, amended section generally to provide for printing and disseminating the results of research, retirement of employees, administrative planning and direction, purchase and rental of land, and the construction, acquisition, alteration, or repair of buildings necessary for conducting research. Former provisions which related to issuance and free mailing of publications are now contained in section 361f of this title.

§ 361e. Payment of allotments to State agricultural experiment stations; directors and treasurers or other officers; accounting; reports to Secretary; replacement by States of diminished, lost or misapplied allotments; subsequent allotments or payments contingent on such replacement

Sums available for allotment to the States under the terms of sections 361a to 361i of this title, excluding the Multistate Research Fund, State Agricultural Experiment Stations, shall be paid to each State agricultural experiment station in equal quarterly payments beginning on the first day of October of each fiscal year upon vouchers approved by the Secretary of Agriculture. Each such station authorized to receive allotted funds shall have a chief administrative officer known as a director, and a treasurer or other officer appointed by the governing board of the station. Such treasurer or other officer shall receive and account for all funds allotted to the State under the provisions of sections 361a to 361i of this title and shall report, with the approval of the director, to the Secretary of Agriculture on or before the first day of December of each year a detailed statement of the amount received under provisions of said sections during the preceding fiscal year, and of its disbursement on schedules prescribed by the Secretary of Agriculture. If any portion of the allotted moneys received by the authorized receiving officer of any State agricultural experiment station shall by any action or contingency be diminished, lost, or misapplied, it shall be re-

placed by the State concerned and until so replaced no subsequent appropriation shall be allotted or paid to such State.

(Mar. 2, 1887, ch. 314, § 5, 24 Stat. 441; Aug. 11, 1955, ch. 790, § 1, 69 Stat. 673; Pub. L. 94-273, § 9(2), Apr. 21, 1976, 90 Stat. 378; Pub. L. 105-185, title II, § 203(c)(3), June 23, 1998, 112 Stat. 535.)

CODIFICATION

Section was formerly classified to section 368a of this title. See sections 361c and 361d of this title.

AMENDMENTS

1998—Pub. L. 105-185, § 203(c)(3), substituted “Multi-state Research Fund, State Agricultural Experiment Stations” for “regional research fund authorized by section 361c(c)(3) of this title” in first sentence.

1976—Pub. L. 94-273 substituted “October” for “July” and “December” for “September”.

1955—Act Aug. 11, 1955, amended section generally to provide for quarterly payment of allotments, to require annual report of allotments and disbursements, and to provide for replacement of funds diminished, lost, or misapplied. For provisions which authorized appropriations for investigations and experiments, see sections 361c and 361d of this title.

§ 361f. Publications of experiment stations; free mailing

Bulletins, reports, periodicals, reprints of articles, and other publications necessary for the dissemination of results of the researches and experiments, including lists of publications available for distribution by the experiment stations, shall be transmitted in the mails of the United States under penalty indicia: *Provided, however,* That each publication shall bear such indicia as are prescribed by the United States Postal Service and shall be mailed under such regulations as the United States Postal Service may from time to time prescribe. Such publications may be mailed from the principal place of business of the station or from an established subunit of said station.

(Mar. 2, 1887, ch. 314, § 6, 24 Stat. 441; Aug. 11, 1955, ch. 790, § 1, 69 Stat. 673; Pub. L. 91-375, § 4(a), Aug. 12, 1970, 84 Stat. 773.)

CODIFICATION

Section was formerly classified to section 377 of this title. See section 361g of this title.

AMENDMENTS

1955—Act Aug. 11, 1955, amended section generally to authorize free mailing of publications by the agricultural experiment stations. For provisions which related to the unexpended balance of annual appropriation, see section 361g of this title.

TRANSFER OF FUNCTIONS

“United States Postal Service” substituted in text for “Postmaster General” pursuant to Pub. L. 91-375, § 4(a), Aug. 12, 1970, 84 Stat. 773, set out as a note under section 201 of Title 39, Postal Service, which abolished office of Postmaster General of Post Office Department and transferred its functions to United States Postal Service.

§ 361g. Duties of Secretary; ascertainment of entitlement of State to funds; plans of work

(a) Duties of Secretary

The Secretary of Agriculture is charged with the responsibility for the proper administration

of sections 361a to 361i of this title, and is authorized and directed to prescribe such rules and regulations as may be necessary to carry out its provisions. It shall be the duty of the Secretary to furnish such advice and assistance as will best promote the purposes of said sections, including participation in coordination of research initiated under said sections by the State agricultural experiment stations, from time to time to indicate such lines of inquiry as to him seem most important, and to encourage and assist in the establishment and maintenance of cooperation by and between the several State agricultural experiment stations, and between the stations and the United States Department of Agriculture.

(b) Ascertainment of entitlement

On or before the first day of October in each year after the passage of sections 361a to 361i of this title, the Secretary of Agriculture shall ascertain as to each State whether it is entitled to receive its share of the annual appropriations for agricultural experiment stations under said sections and the amount which thereupon each is entitled, respectively, to receive.

(c) Carryover

(1) In general

The balance of any annual funds provided under sections 361a to 361i of this title to a State agricultural experiment station for a fiscal year that remains unexpended at the end of the fiscal year may be carried over for use during the following fiscal year.

(2) Failure to expend full allotment

(A) In general

If any unexpended balance carried over by a State is not expended by the end of the second fiscal year, an amount equal to the unexpended balance shall be deducted from the next succeeding annual allotment to the State.

(B) Redistribution

Federal funds that are deducted under subparagraph (A) for a fiscal year shall be redistributed by the Secretary in accordance with the formula set forth in section 361c(c) of this title to those States for which no deduction under subparagraph (A) has been taken for that fiscal year.

(d) Plan of work required

Before funds may be provided to a State under sections 361a to 361i of this title for any fiscal year, a plan of work to be carried out under sections 361a to 361i of this title shall be submitted by the proper officials of the State and shall be approved by the Secretary of Agriculture.

(e) Requirements related to plan of work

Each plan of work for a State required under subsection (d) of this section shall contain descriptions of the following:

(1) The critical short-term, intermediate, and long-term agricultural issues in the State and the current and planned research programs and projects targeted to address the issues.

(2) The process established to consult with users of agricultural research regarding the

identification of critical agricultural issues in the State and the development of research programs and projects targeted to address the issues.

(3) The efforts made to identify and collaborate with other colleges and universities within the State, and within other States, that have a unique capacity to address the identified agricultural issues in the State and the extent of current and emerging efforts (including regional efforts) to work with those other institutions.

(4) The manner in which research and extension, including research and extension activities funded other than through formula funds, will cooperate to address the critical issues in the State, including the activities to be carried out separately, the activities to be carried out sequentially, and the activities to be carried out jointly.

(f) Research protocols

(1) Development

The Secretary of Agriculture shall develop protocols to be used to evaluate the success of multistate, multi-institutional, and multidisciplinary research activities and joint research and extension activities in addressing critical agricultural issues identified in the plans of work submitted under subsection (d) of this section.

(2) Consultation

The Secretary of Agriculture shall develop the protocols in consultation with the National Agricultural Research, Extension, Education, and Economics Advisory Board established under section 3123 of this title and land-grant colleges and universities.

(g) Treatment of plans of work for other purposes

To the maximum extent practicable, the Secretary shall consider a plan of work submitted under subsection (d) of this section to satisfy other appropriate Federal reporting requirements.

(Mar. 2, 1887, ch. 314, § 7, 24 Stat. 441; Aug. 11, 1955, ch. 790, § 1, 69 Stat. 673; Pub. L. 86-533, § 1(22), June 29, 1960, 74 Stat. 249; Pub. L. 94-273, § 3(2), Apr. 21, 1976, 90 Stat. 376; Pub. L. 105-185, title I, § 103(f)(2), title II, § 202(b), June 23, 1998, 112 Stat. 528, 532; Pub. L. 107-171, title VII, § 7202, May 13, 2002, 116 Stat. 437.)

CODIFICATION

Section was formerly classified to section 379 of this title. See section 361h of this title.

AMENDMENTS

2002—Subsec. (c). Pub. L. 107-171 added subsec. (c) and struck out heading and text of former subsec. (c). Text read as follows: “Whenever it shall appear to the Secretary of Agriculture from the annual statement of receipts and expenditures of funds by any State agricultural experiment station that any portion of the preceding annual appropriation allotted to that station under sections 361a to 361i of this title remains unexpended, such amount shall be deducted from the next succeeding annual allotment to the State concerned.”

1998—Pub. L. 105-185, § 202(b), inserted section catchline, designated existing provisions as subsecs. (a) to (c), inserted subsec. headings, and added subsecs. (d) to (g).

Pub. L. 105-185, § 103(f)(2), struck out at end “If the Secretary of Agriculture shall withhold from any State any portion of the appropriations available for allotment, the facts and reasons therefor shall be reported to the President and the amount involved shall be kept separate in the Treasury until the close of the next Congress. If the next Congress shall not direct such sum to be paid, it shall be carried to surplus.”

1976—Pub. L. 94-273 substituted “October” for “July” in second par.

1960—Pub. L. 86-533 repealed provisions which required the Secretary of Agriculture to make a report to the Congress of the receipts, expenditures and work of the agricultural experiment stations in all the States under the provisions of sections 361a to 361i of this title.

1955—Act Aug. 11, 1955, amended section generally to prescribe the powers and duties of the Secretary of Agriculture, to provide for the determination of the amount of entitlement, to authorize deduction of unexpended balances, and to require reports. For provisions which stated that the relation of the college to the State was unaffected, see section 361h of this title.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by section 202(b) of Pub. L. 105-185 effective Oct. 1, 1999, see section 202(c) of Pub. L. 105-185, set out as a note under section 344 of this title.

TRANSFER OF FUNCTIONS

Functions of all officers, agencies, and employees of Department of Agriculture transferred, with certain exceptions, to Secretary of Agriculture by 1953 Reorg. Plan No. 2, § 1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note under section 2201 of this title.

§ 361h. Relation of college or university to State unaffected; division of appropriations

Nothing in sections 361a to 361i of this title shall be construed to impair or modify the legal relation existing between any of the colleges or universities under whose direction State agricultural experiment stations have been established and the government of the States in which they are respectively located. States having agricultural experiment stations separate from such colleges or universities and established by law, shall be authorized to apply such benefits to research at stations so established by such States: *Provided*, That in any State in which more than one such college, university, or agricultural experiment station has been established the appropriations made pursuant to sections 361a to 361i of this title for such State shall be divided between such institutions as the legislature of such State shall direct.

(Mar. 2, 1887, ch. 314, § 8, 24 Stat. 441; Aug. 11, 1955, ch. 790, § 1, 69 Stat. 674.)

CODIFICATION

Section was formerly classified to section 378 of this title.

AMENDMENTS

1955—Act Aug. 11, 1955, amended section generally to provide that the relation between the college and the State is to be unaffected, and to require division of appropriations.

§ 361i. Power to amend, repeal, etc., reserved

The Congress may at any time, amend, suspend, or repeal any or all of the provisions of sections 361a to 361i of this title.

(Mar. 2, 1887, ch. 314, § 9, 24 Stat. 442; Aug. 11, 1955, ch. 790, § 1, 69 Stat. 674.)

CODIFICATION

Section was formerly classified to section 368b of this title. The provisions of section 368b were eliminated from section 361i of this title.

AMENDMENTS

1955—Act Aug. 11, 1955, amended section generally to reserve the right to Congress to amend, suspend, or repeal any or all of the provisions of sections 361a to 361i of this title, and to strike out provisions which subjected grants of moneys to the legislative assent of the several States and Territories.

§§ 362, 363. Transferred

CODIFICATION

Sections, act Mar. 2, 1887, ch. 314, §§1, 2, 24 Stat. 440, as amended, were transferred to sections 361a and 361b, respectively, of this title.

§ 364. Repealed. Aug. 11, 1955, ch. 790, § 2, 69 Stat. 675

Section, act Mar. 2, 1889, ch. 373, 25 Stat. 840, required all agricultural experiment stations to devote a portion of their work to the examination and classification of the soils of their respective States and Territories.

EXISTING RIGHTS AND LIABILITIES

Any rights or liabilities existing under this section as unaffected by repeal, see section 2 of act Aug. 11, 1955, set out as a note under former section 361 of this title.

§ 365. Transferred

CODIFICATION

Section, act Mar. 2, 1887, ch. 314, §4, 24 Stat. 441, as amended, was transferred to section 361d of this title. For provisions of section 365 of this title which related to issuance and free mailing by stations of bulletins or reports, see section 361f of this title.

§ 366. Repealed. Aug. 11, 1955, ch. 790, § 2, 69 Stat. 674

Section, acts Mar. 16, 1906, ch. 951, §3, 34 Stat. 63; Feb. 24, 1925, ch. 308, §3, 43 Stat. 971, provided for annual reports by agricultural experiment stations to governors.

EXISTING RIGHTS AND LIABILITIES

Any rights or liabilities existing under this section as unaffected by repeal, see section 2 of act Aug. 11, 1955, set out as a note under section 361 of this title.

§ 367. Omitted

CODIFICATION

Section was from act July 28, 1953, ch. 251, title I, 67 Stat. 207, the Department of Agriculture Appropriation Act, 1954, and authorized the Secretary of Agriculture to prescribe the form of the annual financial statement required from the agricultural experiment stations. See section 361e of this title. Similar provisions were contained in the following prior appropriation acts:

July 5, 1952, ch. 574, title I, 66 Stat. 337.
 Aug. 31, 1951, ch. 374, title I, 65 Stat. 228.
 Sept. 6, 1950, ch. 896, ch. VI, title I, 64 Stat. 660.
 June 29, 1949, ch. 280, title I, 63 Stat. 330.
 June 19, 1948, ch. 543, title I, 62 Stat. 514.
 July 30, 1947, ch. 356, title I, 61 Stat. 530.
 June 22, 1946, ch. 445, 60 Stat. 277.
 May 5, 1945, ch. 109, 59 Stat. 143.
 June 28, 1944, ch. 296, 58 Stat. 432.
 July 12, 1943, ch. 215, 57 Stat. 400.
 July 22, 1942, ch. 516, 56 Stat. 670.
 July 1, 1941, ch. 267, 55 Stat. 412.
 June 25, 1940, ch. 421, 54 Stat. 536.
 June 30, 1939, ch. 253, title I, 53 Stat. 944.

June 16, 1938, ch. 464, title I, 52 Stat. 715.
 June 29, 1937, ch. 404, 50 Stat. 399.
 June 4, 1936, ch. 489, 49 Stat. 1425.
 May 17, 1935, ch. 131, title I, 49 Stat. 251.
 Mar. 26, 1934, ch. 89, 48 Stat. 471.
 Mar. 3, 1933, ch. 203, 47 Stat. 1435.
 July 7, 1932, ch. 443, 47 Stat. 613.
 Feb. 23, 1931, ch. 278, 46 Stat. 1246.
 May 27, 1930, ch. 341, 46 Stat. 396.
 Feb. 16, 1929, ch. 227, 45 Stat. 1192.
 May 16, 1928, ch. 572, 45 Stat. 542.
 Jan. 18, 1927, ch. 39, 44 Stat. 979.
 May 11, 1926, ch. 286, 44 Stat. 502.
 Feb. 10, 1925, ch. 200, 43 Stat. 824.

§§ 368 to 368b. Transferred

CODIFICATION

Section 368, act Mar. 2, 1887, ch. 314, §3, 24 Stat. 441, as amended, was transferred to section 361c of this title. For provisions of section 368 which provided for assistance and advice by the Secretary of Agriculture, see section 361g of this title.

Section 368a, act Mar. 2, 1887, ch. 314, §5, 24 Stat. 441, as amended, was transferred to section 361e of this title. For provisions of section 368a which authorized appropriations for investigations and experiments, see sections 361c and 361d of this title.

Section 368b, act Mar. 8, 1887, ch. 314, §9, 24 Stat. 442, as amended, was transferred to section 361i of this title. Former provisions of section 368b making grants of money authorized by section 368a of this title subject to the legislative assent of the States and Territories were eliminated from section 361i.

§ 368c. Omitted

CODIFICATION

Section, act Mar. 2, 1887, ch. 314, §10, 24 Stat. 442, which was not reenacted by act Aug. 11, 1955, ch. 790, 69 Stat. 671, reserved the right to Congress to amend, suspend, or repeal any or all of the provisions of act Mar. 2, 1887. See section 361i of this title.

§§ 369 to 376. Repealed. Aug. 11, 1955, ch. 790, § 2, 69 Stat. 674

Section 369, act Mar. 16, 1906, ch. 951, §1, 34 Stat. 63, authorized annual appropriations for agricultural experiment stations. See section 361c of this title.

Section 369a, acts June 20, 1936, ch. 631, §§1, 2, 49 Stat. 1553, 1554; Aug. 29, 1950, ch. 820, 64 Stat. 563, extended provisions of former sections 343a, 343b, 361, 366, 369, 370, 371, 373 to 376, 380, and 382 of this title to Alaska. See section 361a of this title.

Section 370, act Feb. 24, 1925, ch. 308, §1, 43 Stat. 970, authorized an additional appropriation of \$60,000 for each fiscal year. See section 361c of this title.

Section 371, acts Mar. 16, 1906, ch. 951, §2, 34 Stat. 63; Feb. 24, 1925, ch. 308, §2, 43 Stat. 971, made grants of money authorized for agricultural experiment stations subject to the legislative assent of the several States and Territories.

Section 372, act June 7, 1888, ch. 373, 25 Stat. 176, provided for assent to installments of appropriations when the legislature is not in session.

Section 373, acts Mar. 16, 1906, ch. 951, §2, 34 Stat. 63; Feb. 24, 1925, ch. 308, §2, 43 Stat. 971, prescribed the time and manner of payments to agricultural experiment stations and required a report of expenditures to the Secretary of Agriculture. See sections 361c and 361e of this title.

Section 374, acts Mar. 16, 1906, ch. 951, §3, 34 Stat. 63; Feb. 24, 1925, ch. 308, §3, 43 Stat. 971, required the State to replace moneys misapplied. See section 361e of this title.

Section 375, acts Mar. 16, 1906, ch. 951, §3, 34 Stat. 63; Feb. 24, 1925, ch. 308, §3, 43 Stat. 971, permitted use of funds for purchase, repairs, etc., of buildings, or for

purchase or rental of lands. See section 361d of this title.

Section 376, acts Mar. 16, 1906, ch. 951, § 4, 34 Stat. 64; Feb. 24, 1925, ch. 308, § 4, 43 Stat. 971, provided for certification of amounts due States for agricultural experiment stations, for withholding certificate, and for redress by Congress. See section 361g of this title.

EXISTING RIGHTS AND LIABILITIES

Any rights or liabilities existing under sections 369 to 376 as unaffected by repeal, see section 2 of act Aug. 11, 1955, set out as a note under former section 361 of this title.

§§ 377 to 379. Transferred

CODIFICATION

Section 377, act Mar. 2, 1887, ch. 314, § 6, 24 Stat. 441, as amended, was transferred to section 361f of this title. For provisions of section 377 which related to unexpended part of annual appropriations, see section 361g of this title.

Section 378, act Mar. 2, 1887, ch. 314, § 8, 24 Stat. 441, as amended, was transferred to section 361h of this title.

Section 379, act Mar. 2, 1887, ch. 314, § 7, 24 Stat. 441, as amended, was transferred to section 361g of this title. For provisions of section 379 which provided that the relation of the college to the State was unaffected, see section 361h of this title.

§ 380. Repealed. Aug. 11, 1955, ch. 790, § 2, 69 Stat. 674

Section, acts Mar. 16, 1906, ch. 951, § 5, 34 Stat. 64; Feb. 24, 1925, ch. 308, § 5, 43 Stat. 972, provided for an annual report to Congress. See section 361g of this title.

EXISTING RIGHTS AND LIABILITIES

Any rights or liabilities existing under this section as unaffected by repeal, see section 2 of act Aug. 11, 1955, set out as a note under former section 361 of this title.

§ 381. Omitted

CODIFICATION

Section was from act Mar. 2, 1901, ch. 805, 31 Stat. 935, the Agricultural Appropriation Act, 1902, and authorized the Secretary of Agriculture to employ personnel and to incur administrative expenses in carrying out the objects of the agricultural experiment station program. See section 361g of this title. Similar provisions were contained in several prior appropriation acts.

§§ 382, 383. Repealed. Aug. 11, 1955, ch. 790, § 2, 69 Stat. 674, 675

Section 382, acts Mar. 16, 1906, ch. 951, § 6, 34 Stat. 64; Feb. 24, 1925, ch. 308, § 6, 43 Stat. 972, reserved the right to Congress to amend, suspend or repeal any and all of the provisions of act Mar. 16, 1906. See section 361i of this title.

Section 383, act Oct. 1, 1918, ch. 178, 40 Stat. 998, authorized appropriations for the Georgia Experiment Station. See section 361c of this title.

EXISTING RIGHTS AND LIABILITIES

Any rights or liabilities existing under these sections as unaffected by repeal, see section 2 of act Aug. 11, 1955, set out as a note under former section 361 of this title.

§ 384. Card index of agricultural literature; copies to be furnished by Secretary

The Secretary of Agriculture may furnish to such institutions or individuals as may care to buy them copies of the card index of agricultural literature prepared by the Department of

Agriculture in connection with its administration of the Act of March second, eighteen hundred and eighty-seven [7 U.S.C. 361a et seq.], and the Act of March sixteenth, nineteen hundred and six, and the Acts amendatory of and supplementary thereto, and charge for the same a price covering the additional expenses involved in the preparation of these copies, the money received from such sales to be deposited in the Treasury of the United States as miscellaneous receipts.

(Mar. 4, 1915, ch. 144, 38 Stat. 1109.)

REFERENCES IN TEXT

The Act of March second, eighteen hundred and eighty-seven, referred to in text, is act Mar. 2, 1887, ch. 314, 24 Stat. 440, as amended, popularly known as the Hatch Act of 1887, which is classified generally to sections 361a to 361i of this title. For complete classification of this Act to the Code, see Short Title note set out under section 361a of this title and Tables.

The Act of March sixteenth, nineteen hundred and six, referred to in text, means act Mar. 16, 1906, ch. 951, 34 Stat. 63, as amended, known as the Adams Act of 1906, which was classified to sections 361, 366, 369, 371, 373 to 376, 380, and 382 of this title, and was repealed by act Aug. 11, 1955, ch. 790, § 2, 69 Stat. 674. For complete classification of this Act to the Code prior to repeal, see Tables.

TRANSFER OF FUNCTIONS

Functions of all officers, agencies, and employees of Department of Agriculture transferred, with certain exceptions, to Secretary of Agriculture by 1953 Reorg. Plan No. 2, § 1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note under section 2201 of this title.

§ 385. South Carolina Experiment Station; co-operation by Secretary of Agriculture; lump sum appropriation

There is authorized to be appropriated the sum of \$50,000 to enable the Secretary of Agriculture to cooperate with the South Carolina Agricultural Experiment Station and/or other agencies in making investigations and experiments in dairying and livestock industries and of the problems pertaining to the establishment and development of such industries, including cropping systems, soil improvement, and farm organization studies of such industries, and for demonstration, assistance, and service in developing the agriculture of the Sand Hill region of the Southeast.

(Mar. 3, 1927, ch. 367, § 1, 44 Stat. 1397.)

§ 385a. Authorization of appropriations

There is authorized to be appropriated each fiscal year necessary appropriations to enable the Secretary of Agriculture to carry on the co-operative experiments contemplated by section 385 of this title.

(Mar. 3, 1927, ch. 367, § 2, as added Feb. 4, 1928, ch. 24, 45 Stat. 57.)

§§ 386 to 386f. Repealed. Aug. 11, 1955, ch. 790, § 2, 69 Stat. 674

Sections 386 to 386b, act May 16, 1928, ch. 575, §§ 1-3, 45 Stat. 571, 572, provided for establishment of an experiment station in Hawaii, authorized appropriations and an increase in permanent annual appropriations. See sections 361a and 361c of this title.

Section 386c, act Feb. 23, 1929, ch. 299, 45 Stat. 1256, extended provisions of agricultural experiment station program to Alaska. See section 361a of this title.

Sections 386d to 386f, acts Mar. 4, 1931, ch. 499, §§ 1-3, 46 Stat. 1520, 1521; May 17, 1932, ch. 190, 47 Stat. 158, provided for establishment of an experiment station in Puerto Rico, authorized appropriations and an increase in permanent annual appropriations. See sections 361a and 361c of this title.

EXISTING RIGHTS AND LIABILITIES

Any rights or liabilities existing under sections 386 to 386f as unaffected by repeal, see section 2 of act Aug. 11, 1955, set out as a note under former section 361 of this title.

§ 386g. Repealed. Oct. 31, 1951, ch. 654, § 1(10), 65 Stat. 701

Section, act July 7, 1932, ch. 443, § 1, 47 Stat. 614, related to transfer or sale of property of Alaska, Guam, and Virgin Islands stations.

SUBCHAPTER II—EXPERIMENT STATIONS FOR PROPAGATION OF TREES, SHRUBS, VINES, AND VEGETABLES

§ 387. Station for semi-arid or dry-land regions; establishment

The Secretary of Agriculture is authorized and directed to cause such shade, ornamental, fruit, and shelter-belt trees, shrubs, vines, and vegetables as are adapted to the conditions and needs of the semi-arid or dry-land regions of the United States, to be propagated at an experiment station of the Department of Agriculture to be established at or near Cheyenne, Wyoming, and seedlings, and cuttings and seeds of such trees, shrubs, vines, and vegetables to be distributed free of charge under such regulations as he may prescribe for experimental and demonstration purposes within the semi-arid or dry-land regions of the United States.

(Mar. 19, 1928, ch. 228, § 1, 45 Stat. 323.)

TRANSFER OF FUNCTIONS

All functions of all officers, agencies and employees of the Department of Agriculture were transferred, with certain exceptions, to the Secretary of Agriculture by 1953 Reorg. Plan No. 2, § 1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note under section 2201 of this title.

§ 387a. Authorization of appropriations

There is authorized to be appropriated each fiscal year necessary appropriations to enable the Secretary of Agriculture to carry on the experiments contemplated by section 387 of this title.

(Mar. 19, 1928, ch. 228, § 3, 45 Stat. 323.)

§ 388. Station for southern Great Plains area; establishment

The Secretary of Agriculture is authorized and directed to cause such shade, ornamental, fruit, and shelter-belt trees, shrubs, and vines as are adapted to the conditions and needs of the southern Great Plains area, comprised of those parts of the States of Colorado, Nebraska, Kansas, Texas, Oklahoma, and New Mexico lying west of the ninety-eighth meridian and east of the five thousand-foot contour line, to be propa-

gated at one of the existing field stations of the Department of Agriculture in such area, and seedlings and cuttings and seeds of such trees, shrubs, and vines to be distributed free of charge under such regulations as he may prescribe for experimental and demonstration purposes within such area.

(Apr. 16, 1928, ch. 377, § 1, 45 Stat. 430.)

TRANSFER OF FUNCTIONS

Functions of all officers, agencies, and employees of Department of Agriculture transferred, with certain exceptions, to Secretary of Agriculture by 1953 Reorg. Plan No. 2, § 1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note under section 2201 of this title.

§ 388a. Authorization of appropriations

There is authorized to be appropriated each fiscal year necessary appropriations to enable the Secretary of Agriculture to carry on the experiments contemplated by section 388 of this title.

(Apr. 16, 1928, ch. 377, § 3, 45 Stat. 431.)

§ 389. Transfer of certain dry land and irrigation field stations to States

The Secretary of Agriculture is authorized, at such times as he deems appropriate, to convey by appropriate conveyances, without consideration, the interest of the United States in the lands, including water rights, buildings, and improvements presently comprising or appurtenant to the following dry land and irrigation field stations, to the States in which such stations are located, when, in the opinion of the Secretary of Agriculture, the transfer of any such station will result in establishing a more effective program in the cooperative agricultural experimental work of the Department of Agriculture and the respective State and the furtherance of agricultural experimental work on a national or regional basis will be better served by such transfer: Huntley, Montana; Mitchell, Nebraska; Fallon, Nevada; Tucumcari, New Mexico; Hermiston, Oregon; Sheridan, Wyoming: *Provided*, That when any or all of the land, including water rights, comprising any such station is public-domain land, only the Secretary of the Interior may by patent or other appropriate conveyance transfer such lands to the respective States: *Provided further*, That when any easement necessary to a station conveyed or patented hereunder is on public-domain lands, only the Secretary of the Interior may grant such easements to the State to which the station has been conveyed.

(Sept. 23, 1950, ch. 1005, § 1, 64 Stat. 981.)

TRANSFER OF FUNCTIONS

Functions of all officers, agencies, and employees of Department of Agriculture transferred, with certain exceptions, to Secretary of Agriculture by 1953 Reorg. Plan No. 2, § 1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note under section 2201 of this title.

§ 389a. Conditions of transfer of dry land and irrigation field stations; reservation of mineral rights

Conveyances or patents under this section and section 389 of this title shall be upon such condi-

tions as in the opinion of the Secretary of Agriculture will assure the use of such station in the cooperative agricultural experimental work of the Department of Agriculture and the respective State. Any such conveyances of the land shall contain a reservation to the United States of all the minerals in the land together with the right to prospect for, mine, and remove the same under such regulations as the Secretary of the Interior may prescribe.

(Sept. 23, 1950, ch. 1005, § 2, 64 Stat. 982.)

TRANSFER OF FUNCTIONS

Functions of all officers, agencies, and employees of Department of Agriculture transferred, with certain exceptions, to Secretary of Agriculture by 1953 Reorg. Plan No. 2, § 1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note under section 2201 of this title.

SUBCHAPTER III—RESEARCH FACILITIES

§ 390. Definitions

In this subchapter:

(1) Agricultural research facility

The term “agricultural research facility” means a proposed facility for research in food and agricultural sciences for which Federal funds are requested by a college, university, or nonprofit institution to assist in the construction, alteration, acquisition, modernization, renovation, or remodeling of the facility.

(2) Congressional agriculture committees

The term “congressional agriculture committees” means the Committee on Appropriations and the Committee on Agriculture of the House of Representatives and the Committee on Appropriations and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(3) Food and agricultural sciences

The term “food and agricultural sciences” has the meaning given that term in section 3103(8) of this title.

(4) Secretary

The term “Secretary” means the Secretary of Agriculture.

(Pub. L. 88–74, § 2, as added Pub. L. 104–127, title VIII, § 884(a), Apr. 4, 1996, 110 Stat. 1176; amended Pub. L. 107–171, title VII, §§ 7214, 7308(b), May 13, 2002, 116 Stat. 448, 455.)

PRIOR PROVISIONS

A prior section 390, Pub. L. 88–74, § 1, July 22, 1963, 77 Stat. 90; Pub. L. 95–113, title XIV, § 1416(3), Sept. 29, 1977, 91 Stat. 996; Pub. L. 99–198, title XIV, § 1411(a), Dec. 23, 1985, 99 Stat. 1547, related to congressional declaration of policy, prior to the general amendment of this subchapter by Pub. L. 104–127.

A prior section 2 of Pub. L. 88–74 was classified to section 390a of this title prior to the general amendment of this subchapter by Pub. L. 104–127.

AMENDMENTS

2002—Par. (3). Pub. L. 107–171, § 7214, reenacted heading without change and amended text of par. (3) generally. Prior to amendment, text read as follows: “The term ‘food and agricultural sciences’ means—

“(A) agriculture, including soil and water conservation and use, the use of organic materials to improve soil tilth and fertility, plant and animal production and protection, and plant and animal health;

“(B) the processing, distribution, marketing, and utilization of food and agricultural products;

“(C) forestry, including range management, production of forest and range products, multiple use of forests and rangelands, and urban forestry;

“(D) aquaculture (as defined in section 3103(3) of this title);

“(E) human nutrition;

“(F) production inputs, such as energy, to improve productivity; and

“(G) germ plasm collection and preservation.”

Par. (5). Pub. L. 107–171, § 7308(b), struck out heading and text of par. (5). Text read as follows: “The term ‘task force’ means the Strategic Planning Task Force established under section 390b of this title.”

EFFECTIVE DATE

Section 884(b) of Pub. L. 104–127 provided that: “The amendment made by subsection (a) [enacting this subchapter], other than section 4 of the Research Facilities Act [section 390b of this title] (as amended by subsection (a)), shall not apply to any project for an agricultural research facility for which funds have been made available for a feasibility study or for any phase of the project prior to October 1, 1995.”

SHORT TITLE

Section 1 of Pub. L. 88–74, as added by Pub. L. 104–127, title VIII, § 884(a), Apr. 4, 1996, 110 Stat. 1176, provided that: “This Act [enacting this subchapter] may be cited as the ‘Research Facilities Act’.”

§ 390a. Review process

(a) Submission to Secretary

Each proposal for an agricultural research facility shall be submitted to the Secretary for review. The Secretary shall review the proposals in the order in which the proposals are received.

(b) Application process

In consultation with the congressional agriculture committees, the Secretary shall establish an application process for the submission of proposals for agricultural research facilities.

(c) Criteria for approval

(1) Determination by Secretary

With respect to each proposal for an agricultural research facility submitted under subsection (a) of this section, the Secretary shall determine whether the proposal meets the criteria set forth in paragraph (2).

(2) Criteria

A proposal for an agricultural research facility shall meet the following criteria:

(A) Non-Federal share

The proposal shall certify the availability of at least a 50 percent non-Federal share of the cost of the facility. The non-Federal share shall be paid in cash and may include funding from private sources or from units of State or local government.

(B) Nonduplication of facilities

The proposal shall demonstrate how the agricultural research facility would be complementary to, and not duplicative of, facilities of colleges, universities, and nonprofit institutions, and facilities of the Agricultural Research Service, within the State and region.

(C) National research priorities

The proposal shall demonstrate how the agricultural research facility would serve—

- (i) 1 or more of the national research policies and priorities set forth in section 3101 of this title; and
- (ii) national or multistate needs.

(D) Long-term support

The proposal shall demonstrate that the recipient college, university, or nonprofit institution has the ability and commitment to support the long-term, ongoing operating costs of—

- (i) the agricultural research facility after the facility is completed; and
- (ii) each program to be based at the facility.

(d) Evaluation of proposals

Not later than 90 days after receiving a proposal under subsection (a) of this section, the Secretary shall—

- (1) evaluate and assess the merits of the proposal, including the extent to which the proposal meets the criteria set forth in subsection (c) of this section; and
- (2) report to the congressional agriculture committees on the results of the evaluation and assessment.

(e) National or multistate needs served by ARS facilities

The Secretary shall ensure that each research activity conducted by a facility of the Agricultural Research Service serves a national or multistate need.

(Pub. L. 88-74, § 3, as added Pub. L. 104-127, title VIII, § 884(a), Apr. 4, 1996, 110 Stat. 1177; amended Pub. L. 105-185, title I, § 106(a), (b), June 23, 1998, 112 Stat. 530.)

PRIOR PROVISIONS

A prior section 390a, Pub. L. 88-74, § 2, July 22, 1963, 77 Stat. 90; Pub. L. 95-113, title XIV, § 1416(3), Sept. 29, 1977, 91 Stat. 996; Pub. L. 99-198, title XIV, § 1411(b), Dec. 23, 1985, 99 Stat. 1547, related to congressional declaration of purpose, prior to the general amendment of this subchapter by Pub. L. 104-127.

A prior section 3 of Pub. L. 88-74 was classified to section 390b of this title prior to the general amendment of this subchapter by Pub. L. 104-127.

AMENDMENTS

1998—Subsec. (c)(2)(C)(ii). Pub. L. 105-185, § 106(a), substituted “national or multistate needs” for “regional needs”.

Subsec. (e). Pub. L. 105-185, § 106(b), added subsec. (e).

§ 390b. Repealed. Pub. L. 107-171, title VII, § 7308(a), May 13, 2002, 116 Stat. 455

Section, Pub. L. 88-74, § 4, as added Pub. L. 104-127, title VIII, § 884(a), Apr. 4, 1996, 110 Stat. 1178; amended Pub. L. 105-185, title I, § 106(c), (d), June 23, 1998, 112 Stat. 530, related to task force on 10-year strategic plan for agricultural research facilities.

A prior section 390b, Pub. L. 88-74, § 3, July 22, 1963, 77 Stat. 90; Pub. L. 95-113, title XIV, § 1416(1), Sept. 29, 1977, 91 Stat. 994; Pub. L. 99-198, title XIV, § 1411(c), Dec. 23, 1985, 99 Stat. 1547, related to definitions, prior to the general amendment of this subchapter by Pub. L. 104-127.

A prior section 4 of Pub. L. 88-74 was classified to section 390c of this title prior to the general amendment of this subchapter by Pub. L. 104-127.

§ 390c. Applicability of Federal Advisory Committee Act

The Federal Advisory Committee Act (5 U.S.C. App.) and title XVIII of the Food and Agri-

culture Act of 1977 (7 U.S.C. 2281 et seq.) shall not apply to a panel or board created solely for the purpose of reviewing applications or proposals submitted under this subchapter.

(Pub. L. 88-74, § 5, as added Pub. L. 104-127, title VIII, § 884(a), Apr. 4, 1996, 110 Stat. 1179.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in text, is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

The Food and Agriculture Act of 1977, referred to in text, is Pub. L. 95-113, Sept. 29, 1977, 91 Stat. 913, as amended. Title XVIII of the Act is classified generally to chapter 55A (§ 2281 et seq.) of this title. For complete classification of this Act to the Code, see Short Title of 1977 Amendment note set out under section 1281 of this title and Tables.

PRIOR PROVISIONS

A prior section 390c, Pub. L. 88-74, § 4, July 22, 1963, 77 Stat. 91; Pub. L. 95-113, title XIV, § 1416(2), Sept. 29, 1977, 91 Stat. 994; Pub. L. 97-98, title XIV, § 1416, Dec. 22, 1981, 95 Stat. 1304; Pub. L. 99-198, title XIV, § 1411(d), Dec. 23, 1985, 99 Stat. 1548; Pub. L. 101-624, title XVI, § 1601(a), Nov. 28, 1990, 104 Stat. 3703, related to appropriations and administrative authority, prior to the general amendment of this subchapter by Pub. L. 104-127.

A prior section 5 of Pub. L. 88-74 was classified to section 390d of this title prior to the general amendment of this subchapter by Pub. L. 104-127.

§ 390d. Authorization of appropriations

(a) In general

Subject to subsection (b) of this section, there are authorized to be appropriated such sums as are necessary for each of fiscal years 1996 through 2007 for the study, plan, design, structure, and related costs of agricultural research facilities under this subchapter.

(b) Allowable administrative costs

Not more than 3 percent of the funds made available for any project for an agricultural research facility shall be available for administration of the project.

(Pub. L. 88-74, § 6, as added Pub. L. 104-127, title VIII, § 884(a), Apr. 4, 1996, 110 Stat. 1179; amended Pub. L. 105-185, title III, § 301(d), June 23, 1998, 112 Stat. 563; Pub. L. 107-171, title VII, § 7135, May 13, 2002, 116 Stat. 436.)

PRIOR PROVISIONS

A prior section 390d, Pub. L. 88-74, § 5, July 22, 1963, 77 Stat. 91; Pub. L. 95-113, title XIV, § 1416(2), Sept. 29, 1977, 91 Stat. 995; Pub. L. 99-198, title XIV, § 1411(e), Dec. 23, 1985, 99 Stat. 1548, related to payment eligibility and facility proposals, prior to the general amendment of this subchapter by Pub. L. 104-127.

A prior section 6 of Pub. L. 88-74 was classified to section 390f of this title prior to the general amendment of this subchapter by Pub. L. 104-127.

Another prior section 6 of Pub. L. 88-74 was classified to section 390e of this title prior to repeal by Pub. L. 99-198.

A prior section 390e, Pub. L. 88-74, § 6, July 22, 1963, 77 Stat. 91; Pub. L. 95-113, title XIV, § 1416(2), Sept. 29, 1977, 91 Stat. 995, related to continuing availability of unused allotments to eligible institutions for a period of five fiscal years following the fiscal year of initial availability thereof, prior to repeal by Pub. L. 99-198, title XIV, § 1411(f), Dec. 23, 1985, 99 Stat. 1548.

A prior section 390f, Pub. L. 88-74, § 6, formerly § 7, July 22, 1963, 77 Stat. 91; Pub. L. 95-113, title XIV,

§ 1416(2), Sept. 29, 1977, 91 Stat. 995; renumbered § 6 and amended Pub. L. 99-198, title XIV, § 1411(g), (k), Dec. 23, 1985, 99 Stat. 1548, related to fund support basis for multiple-purpose equipment and physical facilities, prior to the general amendment of this subchapter by Pub. L. 104-127.

A prior section 390g, Pub. L. 88-74, § 8, July 22, 1963, 77 Stat. 91; Pub. L. 95-113, title XIV, § 1416(2), Sept. 29, 1977, 91 Stat. 995, related to ascertainment of the amount of the allocation to which each institution was entitled and written notification to each such institution, prior to repeal by Pub. L. 99-198, title XIV, § 1411(h), Dec. 23, 1985, 99 Stat. 1548.

A prior section 390h, Pub. L. 88-74, § 7, formerly § 9, July 22, 1963, 77 Stat. 91; Pub. L. 94-273, § 7(1), Apr. 21, 1976, 90 Stat. 378; Pub. L. 95-113, title XIV, § 1416(2), Sept. 29, 1977, 91 Stat. 995; renumbered § 7 and amended Pub. L. 99-198, title XIV, § 1411(i), (k), Dec. 23, 1985, 99 Stat. 1548, related to fiscal accountability, prior to the general amendment of this subchapter by Pub. L. 104-127.

A prior section 390i, Pub. L. 88-74, § 8, formerly § 10, July 22, 1963, 77 Stat. 92; Pub. L. 95-113, title XIV, § 1416(2), Sept. 29, 1977, 91 Stat. 995; renumbered § 8 and amended Pub. L. 99-198, title XIV, § 1411(j), (k), Dec. 23, 1985, 99 Stat. 1548, directed Secretary to submit annual reports to Congress with respect to research facility payments, prior to repeal by Pub. L. 104-66, title I, § 1011(w), Dec. 21, 1995, 109 Stat. 711.

A prior section 8 of Pub. L. 88-74 was classified to section 390g of this title prior to repeal by Pub. L. 99-198.

A prior section 390j, Pub. L. 88-74, § 9, formerly § 11, July 22, 1963, 77 Stat. 92; Pub. L. 95-113, title XIV, § 1416(2), Sept. 29, 1977, 91 Stat. 995; renumbered § 9, Pub. L. 99-198, title XIV, § 1411(k), Dec. 23, 1985, 99 Stat. 1548, related to availability of appropriated funds for administration, prior to the general amendment of this subchapter by Pub. L. 104-127.

A prior section 9 of Pub. L. 88-74 was renumbered section 7 and was classified to section 390h of this title, prior to the general amendment of this subchapter by Pub. L. 104-127.

A prior section 390k, Pub. L. 88-74, § 12, July 22, 1963, 77 Stat. 92, authorized appropriation of such sums as might be necessary for proper administration of this subchapter, prior to repeal by Pub. L. 95-113, title XIV, § 1416(2), Sept. 29, 1977, 91 Stat. 994, effective Oct. 1, 1977.

AMENDMENTS

2002—Subsec. (a). Pub. L. 107-171 substituted “2007” for “2002”.

1998—Subsec. (a). Pub. L. 105-185 substituted “each of fiscal years 1996 through 2002” for “fiscal years 1996 and 1997”.

CHAPTER 15—BUREAU OF ANIMAL INDUSTRY

Sec.	
391.	Establishment of bureau; appointment of chief; duties.
392.	Repealed.
393.	Sale of pathological and zoological specimens; disposition of moneys.
394.	Repealed.
394a.	Overtime of employees working at establishments which prepare virus, serum, toxin, and analogous products.
395.	Fees for rabies diagnoses; disposition of moneys.
396.	Inspection of livestock, hides, animal products, etc.; place; charges; disposition of funds.
397.	Omitted.

§ 391. Establishment of bureau; appointment of chief; duties

There shall be in the Department of Agriculture a Bureau of Animal Industry. The Sec-

retary of Agriculture is authorized to appoint a chief thereof, who shall be a competent veterinary surgeon, and whose duty it shall be to investigate and report upon the condition of the domestic animals and live poultry of the United States, their protection and use, and also inquire into and report the causes of contagious, infectious, and communicable diseases among them, and the means for the prevention and cure of the same, and to collect such information on these subjects as shall be valuable to the agricultural and commercial interests of the country.

(May 29, 1884, ch. 60, § 1, 23 Stat. 31; July 14, 1890, ch. 707, 26 Stat. 288; Feb. 7, 1928, ch. 30, 45 Stat. 59.)

CODIFICATION

Section is composed of part of section 1 of act May 29, 1884.

Section 1 of that act as originally enacted contained this further provision: “And the Commissioner of Agriculture is hereby authorized to employ a force sufficient for the purpose, not to exceed 20 persons at any one time.” This provision was practically superseded by subsequent appropriations for an enlarged force.

Section 1 also contained a provision as to salary of the Chief of the Bureau and a clerk for said bureau, that has been omitted as obsolete. The salaries are now fixed under chapter 51 and subchapter III of chapter 53 of Title 5, Government Organization and Employees.

AMENDMENTS

1928—Joint Res. Feb. 7, 1928, inserted “and live poultry” after “domestic animals”.

TRANSFER OF FUNCTIONS

Section 301 of 1947 Reorg. Plan No. 1, eff. July 1, 1947, 12 F.R. 4534, 61 Stat. 952, provided: “The functions of the following agencies of the Department of Agriculture, namely, the Bureau of Animal Industry, the Bureau of Dairy Industry, the Bureau of Plant Industry, Soils, and Agricultural Engineering, the Bureau of Entomology and Plant Quarantine, the Bureau of Agricultural and Industrial Chemistry, the Bureau of Human Nutrition and Home Economics, the Office of Experiment Stations, and the Agricultural Research Center, together with the functions of the Agricultural Research Administrator, are transferred to the Secretary of Agriculture and shall be performed by the Secretary or, subject to his direction and control, by such officers and agencies of the Department of Agriculture as he may designate.” For provisions concerning transfer of records, property, personnel, and funds, see full text of this Plan, set out in the Appendix to Title 5, Government Organization and Employees.

The President’s message, set out in the Appendix to Title 5, Government Organization and Employees, transmitting this Reorg. Plan to Congress pointed out that the Plan would make it possible to continue the consolidation of the agencies concerned in the Agricultural Research Administration which was affected on a temporary wartime basis by Ex. Ord. No. 9069, Feb. 23, 1942, 7 F.R. 1409, and to make further adjustments in the organization of agricultural research activities.

Functions of Bureau of Animal Industry which were transferred to Secretary of Agriculture were transferred to Agricultural Research Service under Secretary’s memorandum 1320, supp. 4, of Nov. 2, 1953.

As of July 1, 1927, by order of the Secretary of Agriculture, the Packers and Stockyards administration was abolished, and the enforcement of the Packers and Stockyards Act of 1921, sections 181 to 229 of this title, put under the control of the chief of the Bureau of Animal Industry.

Authority formerly granted to Commissioner of Agriculture by section 1 of act of May 29, 1884, vested in